

UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF RHODE ISLAND

ALBERTO RODRIGUEZ

v.

C.A. NO. 08-003 S

PROVIDENCE POLICE DEPARTMENT, ET AL.

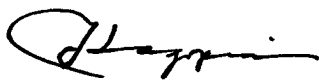
MEMORANDUM AND ORDER

Plaintiff Alberto Rodriguez, *pro se*, filed the instant action alleging a violation of his civil rights by the Providence Police Department (the "PPD") and various individual police officers (the "Officers") on the night of his arrest in November 2003 as well as a violation of the Freedom of Information Act, 5 U.S.C. §552 *et seq.*, by the United States Department of Justice regarding plaintiff's request for documents relating to his arrest (Docket # 1). Currently before the Court is plaintiff's motion for the Court to appoint counsel to represent him in the instant civil action (Docket # 29).

In the appropriate case, the Court "may request an attorney to represent any person unable to afford counsel" in a civil action. 28 U.S.C. § 1915(e). However, there is no absolute constitutional right to a "free lawyer" in a civil case. *DesRosier v. Moran*, 949 F.2d 15, 23 (1st Cir. 1991). Absent exceptional circumstances, the Court cannot appoint counsel in a civil matter. *Id.* at 23. In determining whether exceptional circumstances exist, the Court must examine the total situation, considering, *inter alia*, the merits of the case, the complexity of the legal issues, and the litigant's ability to represent himself. *Id.*

Here, I have reviewed plaintiff's complaint and the motions that he has filed in this case. First, I have previously filed a Report and Recommendation in this action finding that plaintiff's action against the PPD and the Officers is barred by the statute of limitations and recommending that plaintiff's claims against these parties be dismissed (Docket # 24). Moreover, the issues presented in the complaint are not so complex that plaintiff is unable to represent himself, and plaintiff's filings demonstrate that he is able to present the facts and the issues himself. Accordingly, plaintiff's motion to request the Court to appoint counsel is **DENIED**.

IT IS SO ORDERED.



Jacob Hagopian
Senior United States Magistrate Judge
October 6, 2009